

REMARKS

Claims 1-20 are pending in this application. Applicants traverse the Examiner's restriction requirement, and provisionally elect claims 1-14. By this amendment, Applicants amend claims 1 and 4 to specify certain claimed embodiments and have also canceled claim 3, without disclaimer. This amendment adds no new matter. Support for the amendments can be found in the application and claim 3 as originally filed.

Restriction Under 35 U.S.C. § 121

The Examiner required an election under 35 U.S.C. § 121 (§ 121) among three claim groups: Group I, claims 1-14, directed to catalyst gauzes; Group II, claims 15-17, directed to processes for making catalyst gauzes; and Group III, claims 18-20, directed to processes for using catalyst gauzes. The Examiner asserted that Groups I and III claim distinct inventions within the meaning of § 121 because the process of using the claimed product can allegedly be practiced with a materially different product, and that the claimed product allegedly can be used in a materially different process. In support of these assertions, the Examiner alleged that the product can be used in a "homogenously catalyzed gas reaction." The Examiner asserted that Groups I and II are distinct inventions within the meaning of § 121 because the process as claimed allegedly can be used to make other materially different products, and the product allegedly can be made by a materially different process. In support of these assertions, the Examiner alleged that the product as claimed can be made using a different knitting machine, namely a Raschel machine.

Applicants traverse this restriction requirement and affirm the provisional election of Group I, claims 1-14, made by telephone on May 15, 2003. Applicants respectfully disagree with the Examiner that the claim groups identified by the Examiner describe distinct inventions within the meaning of § 121. For example, claims 18-20 (Group III) describe a method for using the catalyst gauze of claim 1 (Group I), not for using an unspecified and materially different catalyst gauze. Further, Applicants submit that the Examiner would not be subject to an undue burden in examining all claim groups

together. For example, any searches for references regarding catalyst gauzes made in connection with examining Group I would necessarily include references for making and using such catalyst gauzes (Groups II and III), and vice versa. Thus, Applicants submit that examining all the claims in a single application would present no extra burden on the Examiner in searching for references relating to the described claim groups. Accordingly, Applicants request reconsideration and withdrawal of the restriction requirement.

Rejection under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-14 as allegedly unpatentable over Blass *et al.*, U.S. Patent No. 6,073,467 (Blass) in view of Fairey *et al.*, U.S. Patent No. 5, 188,813 (Fairey). The Examiner asserted that Blass discloses knitted noble metal catalyst gauzes for gaseous reactions that can be knitted into two or more layers, where the layers can be connected together by pile threads. The Examiner asserted that claim 4 is unpatentable because Blass discloses that the catalyst gauze can be platinum/rhodium, and claim 10 is unpatentable because Blass discloses that the pile threads are as parallel as possible to the flow of gas. The Examiner conceded that Blass does not disclose catalyst gauzes with weft threads inserted in them. However, the Examiner asserted that Fairey discloses a fabric knitted from a precious metal fiber that is used as a catalyst gauze, where a "supplementary fiber is 'co-fed' into the fabric." The Examiner asserted that this "supplementary fiber ... can be equated with the weft thread" of the invention as claimed, because it would be obvious to place the "supplementary fiber" of Fairey between mesh layers or pile threads of Blass (office action, page 4 paragraph 2).

Applicants respectfully disagree with the Examiner, and traverse the claim rejections under § 103(a). Applicants agree with the Examiner that Blass does not disclose catalyst gauzes with weft threads inserted in them. Moreover, Applicants submit that Blass is focused on using the largest number of pile threads per unit area aligned parallel to the direction of the gas flow (see for example, Figure 4). There is no disclosure, teaching or suggestion in Blass to use weft threads comprising noble metals that may, in some embodiments, be generally perpendicular to the direction of gas flow.

With regard to Fairey, Applicants disagree with the Examiner that the supplementary fibers of Fairey can be equated with the weft threads of the present claims, because the supplementary fibers have a different composition and function compared to the weft threads of the present claims. Fairey's supplementary fibers do not contain noble metals. Fairey teaches at col. 3, lines 37-40 states:

Suitable supplemental fibers may be natural or synthetic, including polyamides, polyesters, cellulosic fibres, acrylic styrene polymers, PVA and other vinyl polymers, aliginate, and the like.

Moreover, the supplementary fibers of Fairey function to lubricate the metal fibers and permit knitting of the precious metal fiber at a desired fabric weight (col. 2, line 27-32):

The present invention also provides a method of knitting a precious metal fibre having inadequate properties to permit knitting at a desired fabric weight, comprising feeding with the metal fibre to a knitting machine, **a supplementary fiber which lubricates the metal fiber to permit knitting** (emphasis added).

Fairey exemplifies this in Example 1, where multistrand polyester fiber is used as the supplementary fiber, which is fed parallel to nickel wire and functions to lubricate the nickel wire.

Further, Fairey discloses that in the final knitted precious metal fabric, the supplementary fibers are removed and have no function or can have a negative effect on catalytic activity (Fairey col 2, lines 50-54):

The invention also provides a knitted precious metal fabric prepared by the method of the invention. Such knitted metal fabrics include those in which **the supplementary fiber has been removed after formation of the fabric**, for example by dissolution or decomposition (emphasis added).

Thus, Applicants respectfully submit that one of ordinary skill in the art upon reading Fairey and the present application would conclude that the supplementary fibers

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of Fairey have a different composition and function as compared to the claimed weft threads and are not equivalent.

In summary, the invention as presently claimed includes a knitted catalyst gauze comprising weft threads, where the weft threads comprise noble metal wires. These weft threads contribute to the chemical process. As stated above, Blass does not disclose weft threads, and Fairey does not disclose, teach or suggest using noble metals in woven catalyst gauzes, but teaches using supplementary fibers that have a different composition and function compared to the claimed weft threads. Thus, Applicants submit it is improper to combine Fairey with Blass to attempt to support a *prima facie* case of obviousness against the present claims. Even when these references are combined, one skilled in the art still does not obtain the present claims, because both references do not disclose, teach or suggest the weft threads as presently claimed. Accordingly, Applicants respectfully request withdrawal of the rejection and reconsideration of the rejected claims.

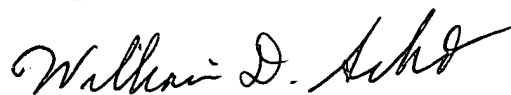
Conclusion

In view of the amendments, and the remarks set forth above, reconsideration and allowance are respectfully solicited.

No fee is believed to be due with respect to the filing of this amendment. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,



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